

Message Text

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IN RESPONSE TO REFTEL, EMBASSY HAS COMPILED THE FOLLOWING INFORMATION PERTAINING TO NARCOTICS LAWS AND THEIR APPLICATION IN THE DOMINICAN REPUBLIC:

A. CATEGORY I - SIMPLE POSSESSION. POSSESSION OF LESS THAN TWENTY-FIVE GRAMS OF MARIJUANA OR LESS THAN TWENTY MILLIGRAMS OF ANY OTHER DRUG, EXCEPT FOR LSD OR ANY OTHER HALLUCINOGENIC DRUG, IS PUNISHABLE BY A FINE OF \$300 TO \$1,000 AND/OR SIX MONTHS TO ONE YEAR IN PRISON.

B. CATEGORY II - DISTRIBUTOR OR SELLER. POSSESSION OF FROM TWENTY-FIVE GRAMS TO LESS THAN ONE POUND OF MARIJUANA, OR POSSESSION OF TWENTY MILLIGRAMS UP TO TWO HUNDRED FIFTY MILLIGRAMS OF ANY OTHER DRUG, EXCEPT FOR LSD OR ANY OTHER HALLUCINOGENIC DRUG, IS PUNISHABLE BY A FINE OF \$500 TO \$5,000 AND TWO TO FIVE YEARS IN PRISON.

C. CATEGORY III - TRAFFICKER. POSSESSION OF MORE THAN ONE POUND OF MARIJUANA, OR POSSESSION OF TWO HUNDRED FIFTY MILLIGRAMS OR MORE OF ANY OTHER DRUG, OR POSSESSION OF ANY QUANTITY OF LSD OR ANY OTHER HALLUCINOGENIC DRUG IS PUNISHABLE BY A FINE OF \$10,000 TO \$50,000 AND THREE TO TEN YEARS IN PRISON.

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THE LAW SPECIFIES THAT ANY MEASURABLE AMOUNT OF DRUGS CONSTITUTES POSSESSION FOR OPERATION OF THE OFFENSE. THE QUANTITY AND TYPE OF DRUG ARE THE DETERMINING FACTORS IN ALL CASES. PENALTIES ARE IMPOSED ACCORDING TO THE LAW AND THE JUDGE'S DISCRETION.

2. TRAFFICKING: DR LAW CONSOLIDATES ALL CONTROLLED SUBSTANCES INTO SEPARATE OFFENSES TIED TO PARTICULAR SUBSTANCE. THE LAW

SPECIFIES POSSESSION AND TRAFFIC IN SYNTHETIC DRUGS AS LESSER OFFENSES; IN NARCOTIC DRUGS NORMALLY INTENDED FOR PHARMACEUTICAL USE, SUCH AS OPIUM BY-PRODUCTS, AMPHETAMINES, ETC., AS MEDIUM OFFENSES; AND IN NATURAL DRUGS SUCH AS HEROIN, OPIUM, COCAINE, MARIJUANA, AND HALLUCINATORY DRUGS, AS THE MOST SERIOUS OFFENSES. AS NOTED ABOVE, THERE ARE MAXIMUM AND MINIMUM PENALTIES. LIBERTY ON BAIL IS GRANTED ONLY IN THE CASE OF ILLEGAL POSSESSION OF SYNTHETIC DRUGS; IT IS NOT APPLICABLE IN OTHER CASES. AS NOTED, THE QUANTITY AND TYPE OF DRUG ARE THE DETERMINING FACTORS. THE INTENTION OF TRAFFICKING IS ALSO PUNISHABLE UNDER DR LAW, AS WELL AS ASSOCIATION WITH TRAFFICKERS OR PRODUCERS, WHICH IS REGARDED AS BEING AN ACCOMPLICE UNDER DR JURIDICAL SYSTEM. THE CRIME OF CONSPIRACY DOES NOT EXIST UNDER DR LAW, BUT THE LAW DOES PROVIDE FOR QUOTE INTENTION UNQUOTE OF TRAFFICKING, IMPORTING, EXPORTING, ETC. OF DRUGS.

E. CULTIVATION, PRODUCTION, ELABORATION: DR LAW PROHIBITS THE CULTIVATION OF ANY PLANT FROM WHICH MAY BE EXTRACTED NARCOTIC DRUGS OR ELEMENTS THEREOF. PENALTIES CAN RANGE UP TO 10 YEARS AND A \$50,000 FINE, AS WELL AS THE EXPROPRIATION OF THE LAND BY A SENTENCE DICTATED BY A COMPETENT COURT. THE PENALTIES FOR THE ELABORATION OF DRUGS DEPEND UPON THE AMOUNT OF DRUGS POSSESSED AS OUTLINED ABOVE.

4. FINANCIAL: FINANCIAL BACKING, INTELLECTUAL GUIDANCE, AIDING TRANSPORTATION OR ANY OTHER MEANS OF FACILITATING ILLICIT DRUG UNCLASSIFIED

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TRAFFIC CONSIDERED TO BE ACTING AS AN ACCOMPLICE AND SUBJECT TO THE PENALTIES MENTIONED ABOVE. CURRENCY CONTROL LAWS PROHIBIT THE EXPORT OF CURRENCY. FOREIGN BANK ACCOUNTS ARE TECHNICALLY ONLY LEGAL WITH THE AUTHORIZATION OF THE GODR MONETARY BOARD AND THESE ARE UNDER STRICT REGULATIONS (THOUGH IT IS KNOWN THAT MANY OUTSIDE BANK ACCOUNTS ARE HELD BY DOMINICANS WITHOUT SUCH AUTHORIZATION).

5. CRIMINAL PROCEDURE: DR LAW GRANTS 48 HOURS FOR HOLDING A PERSON UNDER ARREST FOR INVESTIGATION PURPOSES, BUT THE PERIOD MAY BE EXTENDED BY LEGALIZING THE ARREST THROUGH THE ATTORNEY GENERAL. IN PRACTICE, FOREIGNERS UNDER ARREST ARE ALLOWED TO COMMUNICATE WITH THEIR EMBASSY OR CONSULATE AS SOON AS THEY ARE ARRESTED. WITHIN THE FIRST WEEK OF DETENTION, USUALLY WITHIN A FEW DAYS, FOREIGNERS RECEIVE A PRELIMINARY TRIAL WHICH IS USUALLY FOLLOWED BY A FINAL TRIAL WITHIN A WEEK. VERY RARELY DO FOREIGNERS GO THROUGH REVIEW/CONFIRMATION PROCEEDINGS AND APPELLATE PROCESS. FOR DOMINICANS, THE PROCESS OF BEING BROUGHT TO TRIAL CAN LAST UP TO THREE MONTHS. DOMINICAN JUDGES WILL APPOINT DEFENDANT COUNSEL IF DEFENDANT ESTABLISHES HE IS INDIGENT WITHOUT FUNDS. ADEQUATE LAWYERS ARE AVAILABLE AND THE MINIMUM FEE FOR CATEGORY I OFFENDERS IS 300 PESOS, CATEGORY II AND III OFFENDERS, 600 PESOS.

USUALLY IF A PERSON HAS SERVED HALF THE SENTENCE AND HAS BEHAVED WELL, THE REPRESENTATIVE OF THE PUBLIC MINISTRY IS AUTHORIZED TO RELEASE HIM COBDITIONALLY. MINOR OFFENDERS ARE CHARGED, BROUGHT TO COURT AND CONVICTED JUST AS OTHER OFFENERS. USUALLY UPON SENTENCING AND PAYMENT OF FINE, THE DR JUDGE ORDERS THE DEPORTATION OF FOREIGN OFFENDERS. IF THE JUDGE FAILS TO ORDER DEPORTATION, THE POLICE ALMOST ALWAYS DO.
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